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EXAMINER	
MOLINA, ANITA C	
ART UNIT	PAPER NUMBER
3626	

NOTIFICATION DATE	DELIVERY MODE
08/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/780,166	PIERCE, DWIGHT L.	
	Examiner	Art Unit	
	ANITA MOLINA	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 June 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, and 3-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

The following action is a final action on the merits. In the Amendment filed 06/18/2010, the following occurred: claims 1 and 3-20 are pending, claims 1, 9, and 16 are amended.

Response to Amendment

The amendments submitted 06/18/2010 are entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-7, and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0019794 to Moradi et al, hereinafter, Moradi in view of US in view of US 6,263,330 to Bessette.

As per claim 1, Moradi teaches **a method of facilitating patient access to pharmacies, comprising**:

-**establishing in a database on a computer server a prescription registry in which patients who have joined said prescription registry may store information regarding their prescriptions** (see: paragraphs 35 and 96);

-**transmitting said information from a member device to said computer server over a computer network connecting the member device and the computer server** (see: paragraphs 8, 53, and 95)**;**

-**receiving and storing said information in said prescription registry on said computer server** (see: paragraph 36);

-**transmitting from said computer server to said member device a list of pharmacies that have subscribed to said prescription registry, said list including contact information which said patients may use to contact and provide said pharmacies with one or more prescription identifiers** (see: paragraph 40); and

Moradi fails to teach **assigning a prescription identifier to said information for each prescription, wherein each prescription identifier is uniquely associated with an individual prescription, and storing said prescription identifier in a record associated with such prescription in said database on said computer server, said unique prescription identifier initially known only to said patients and said prescription registry, and wherein said unique prescription identifier is assigned either sequentially or pseudo-randomly**; and **allowing said pharmacies to access said information stored on said prescription registry using said prescription identifiers by means of a connection between a client computer and said computer server over said network**. Moradi does teach the Pharmacy Management

System provides a prescription number that uniquely identifies each prescription order and allows access to the prescription information using this unique identifier (see: paragraph 199). Moradi also teaches assigning an identifier number to licensed pharmacies using a sequential numbering process (see: paragraph 166). Bessette teaches assigning a unique identifier (URL) to patient medical data (see: column 3, lines 57-66). Bessette also teaches allowing access to specific medical data using the unique identifiers (URLs) depending on the level of access granted by the patient (see: column 10, lines 6-22). It would have been obvious to one of ordinary skill in the art to include in the prescription delivery system and the unique prescription identifier of Moradi, the unique identifier number assigned sequentially as taught by Moradi, and the limited access through unique identifiers as taught by Bessette because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 3, Moradi teaches the claimed method, **wherein said step of receiving said information includes receiving a scanned image file at said computer server of an original prescription slip for each prescription** (see: paragraphs 8 and 36).

As per claim 4, Moradi teaches the claimed method, **wherein said step of receiving said information further includes obtaining physical possession of an**

original prescription slip for each prescription (see: paragraph 36). It is noted that one would have to physically posses a prescription slip in order to scan it.

As per claim 5, Moradi teaches the claimed method, **wherein said prescription identifier includes a fill code for each patient that may be used for all prescriptions belonging to said patient** (see: paragraph 95).

As per claim 6, Moradi fails to teach the claimed method, **wherein said prescription identifier further includes a prescription number for each prescription of said patient** (see: paragraph 199).

As per claim 7, Moradi teaches the claimed method, **further comprising requiring said pharmacies to satisfy one or more qualification criteria, including passing a background check, in order to subscribe to said prescription registry** (see: paragraph 166).

As per claim 9, Moradi teaches **a system for facilitating patient access to pharmacies, comprising**:

-**a prescription registry, said prescription registry including at least one database therein for storing prescription information** (see: paragraph 22) **and further including a user interface for said at least one database** (see: paragraph 194)**, said user interface comprising**:

-**a member login screen for allowing a member of said prescription registry to access said at least one database** (see: paragraph 103);

-**a prescription information screen for allowing a member services provider operator to capture prescription information for one or more prescriptions of said member** (see: paragraph 52);

-**a prescription upload screen for allowing said member services provider operator to upload said prescription information, including a scanned image file of each prescription, to said at least one database** (see: paragraph 24); and

-**a prescription acceptance screen for allowing said pharmacy to accept said one or more prescriptions and for locking each prescription that is accepted by said pharmacy from further access** (see: paragraph 100).

Moradi fails to teach **a prescription verification screen for allowing a pharmacy to access said prescriptions using a prescription identifier, wherein each prescription identifier is uniquely associated with an individual prescription, said prescription identifier initially known only to said member and said prescription registry, and wherein said identifier is created using either a sequential assignment process or a pseudo-random assignment process**. Moradi does teach the Pharmacy Management System provides a prescription number that uniquely identifies each prescription order and allows access to the prescription information using this unique identifier (see: paragraph 199). Moradi also teaches assigning an identifier number to licensed pharmacies using a sequential numbering process (see: paragraph 166). Bessette teaches assigning a unique identifier (URL) to patient medical data (see: column 3, lines 57-66). Bessette teaches allowing access to specific medical data using unique identifiers (URLs) depending on the level of access

granted by the patient (see: column 10, lines 6-22). It would have been obvious to one of ordinary skill in the art to include in the prescription delivery system and the unique prescription identifier of Moradi, the unique identifier number assigned sequentially as taught by Moradi, and the limited access through unique identifiers as taught by Bessette for the same reasons set forth for claim 1.

As per claim 10, Moradi teaches the claimed system, **wherein said user interface further comprises a membership application screen for accepting new members to said prescription registry** (see: paragraph 137).

As per claim 11, Moradi teaches the claimed system, **wherein said user interface further comprises a member services screen for allowing said member to search for member services providers and pharmacies** (see: paragraph 40 and 171).

As per claim 12, Moradi teaches the claimed system, **wherein said user interface further comprises a member services screen for allowing said member to search for member services providers and pharmacies** (see: paragraphs 40 and 171).

As per claim 13, Moradi teaches the claimed system, **wherein said user interface further comprises a member services screen for allowing said member to update membership information** (see: paragraph 148).

As per claim 14, Moradi teaches the claimed system, **wherein said user interface further comprises a membership verification screen for allowing said**

member services provider operator to verify a membership of said member (see: paragraph 104).

As per claim 15, the system according to claim 9, **wherein said user interface further comprises a membership verification screen for allowing said pharmacy to verify a membership of said member** (see: paragraph 196).

As per claim 16, Moradi teaches **a prescription registry service, comprising**:

-**a database resident on a server computer and configured to store prescription information** (see: paragraphs 22 and 96);

-**a plurality of member devices connected to said database by means of a network by which members may upload their prescription information to said database** (see: paragraph 36); and

-**a plurality of member services provider computers connected to said computer network, said member services provider computers comprising member services provider software operable to assist said members to upload their prescription information to said database** (see: paragraph 36).

Moradi fails to teach **wherein said prescription information comprises a prescription identifier for each prescription, wherein each prescription identifier is uniquely associated with an individual prescription, and wherein each prescription identifier is created using either a sequential assignment process or a pseudo-random assignment process** and **a plurality of pharmacy computers comprising pharmacy software operable to access said prescription information stored on said database, wherein said pharmacy computers are only allowed to**

access prescriptions for which they have been authorized by said members by means of said member devices. Moradi does teach the Pharmacy Management System provides a prescription number that uniquely identifies each prescription order and allows access to the prescription information using this unique identifier (see: paragraph 199). Moradi also teaches assigning an identifier number to licensed pharmacies using a sequential numbering process (see: paragraph 166). Bessette teaches assigning a unique identifier (URL) to patient medical data (see: column 3, lines 57-66). Bessette also teaches allowing access to specific medical data using unique identifiers (URLs) depending on the level of access granted by the patient (see: column 10, lines 6-22). It would have been obvious to one of ordinary skill in the art to include in the prescription delivery system the unique prescription identifier of Moradi, the unique identifier number assigned sequentially as taught by Moradi, and the limited access through unique identifiers as taught by Bessette for the same reasons set forth for claim 1.

As per claim 17, Moradi teaches the claimed prescription registry service, wherein said members must surrender their original prescription slips to the prescription registry service before their prescription information are made accessible to said pharmacies (see: paragraph 33).

As per claim 18, Moradi teaches the claimed prescription registry service, wherein said database is configured to lock from further access any prescription information that have been accepted for filling by said pharmacies (see: paragraph 100).

As per claim 19, it is rejected for the same reasons set forth for claims 1, 5, and 6.

3. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0019794 to Moradi in view of US 6,263,330 to Bessette and in view of US 2004/0006490 to Gingrich et al, hereinafter, Gingrich.

As per claim 8, Moradi fails to specifically teach the claimed method, further comprising requiring said subscribing pharmacies to pay a fee to said prescription registry. Gingrich teaches charging a fee for access to a prescription data exchange system (see: paragraph 33). It would have been obvious to one of ordinary skill in the art to include in the prescription delivery system of Moradi, the fee as taught by Gingrich because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 20, it is rejected for the same reasons set forth for claim 8.

Response to Arguments

4. Applicant's arguments filed 06/18/2010 have been fully considered but they are not persuasive. In response to the argument that Moradi does not teach a numeric identifier that is sequentially identified for individual prescriptions, the Examiner respectfully disagrees. While Moradi does not specifically teach sequential numbers for

prescription identifiers, Moradi does teach unique prescription identifiers (see: paragraph 199). Moradi also teaches sequential numbering of a different kind of identifying number (see: paragraph 166). One of ordinary skill in the art at the time of the invention would have found it obvious to use the sequential numbering used for pharmacies for the numbering of prescriptions as well because in the combination, the sequencing of numbers retains the same function and the results of the combination are predictable.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANITA MOLINA whose telephone number is (571)270-

3614. The examiner can normally be reached on Monday through Friday 8am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Morgan can be reached on 571-272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M./
Examiner, Art Unit 3626

/Robert Morgan/

Supervisory Patent Examiner, Art Unit 3626